REMARKS

In view of the foregoing amendments and the following remarks, reconsideration of the subject application is respectfully requested. Claims 1-11, 21, and 23-26 are currently pending in the application. Claims 12-20 and 22 were canceled by previous amendments. Claims 1, 21, 24, and 26 have been amended to clarify the invention. No new matter has been added. Applicant notes with appreciation Examiner's indication of allowable subject matter in the application.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, claims 1, 2, 7-10, 21, 23, 24 and 26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0046834 to Rayssiguier. The Office has indicated this rejection would be overcome if claim 1 were amended to recite two or more ports rather than one or more ports. Claim 1 now recites a plug for controlling fluid flow in a well bore at a packer or other sealing element, the plug comprising a substantially cylindrical body adapted for connection to the packer or sealing element, the body including a bore through a portion thereof and **a plurality** of radial ports for passage of fluid from the bore to an outer surface of the body. The plug also includes an actuating member moveable relative to the body so as to cover each of the **plurality** of radial ports in a first position and uncover each of the **plurality** of radial ports in a second position. Applicants respectfully submit that Rayssiguier fails to disclose or suggest an actuating member that covers each of a plurality of radial ports in a first position and uncovers each of a plurality of radial ports in a second position. Consequently, independent claim 1, and all claims depending therefrom, are patentable over Rayssiguier.

Independent claim 21 now recites a method of controlling fluid flow in a well bore through a plug operated by an actuating mechanism that includes the steps of: providing a plug having a substantially cylindrical body adapted for connection to a sealing element, the body including a bore through a portion thereof and a plurality of radial ports for passage of fluid from the bore to an outer surface of the body; providing an actuating member movable relative to the body so as to cover each of the plurality of radial ports in a first position and uncover each of the plurality of radial ports in a second position; providing an actuating mechanism adapted to move the actuating member; increasing pressure from a surface of the well bore to within a predetermined range; and keeping the pressure within the predetermined range over sufficient time to cause the actuating mechanism to move the actuating member from the first position to the second position to uncover each of the plurality of radial ports. As a result, independent claim 21, and all claims depending therefrom, are patentable over Rayssiguier for at least the reasons given above regarding claim 1.

Claim Rejections under 35 U.S.C. § 103

In the Office Action, claims 11 and 25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rayssiguier. Claim 11 depends from independent claim 1 and is patentable over Rayssigueir for at least the reasons given above regarding claim 1; claim 25 depends from independent claim 21 and is patentable over Rayssiguier for at least the reasons given above regarding claim 21.

CONCLUSION

Applicant submits that each of the pending claims in the application is now directed to patentable subject matter. Allowance of all pending claims in the application is respectfully requested

The Director is hereby authorized to charge any fee deficiency associated with the submission of this paper (or with any paper filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 65584(71678)

Respectfully submitted,

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